

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEVIN SANDS, Co-Personal
Representatives of the Estate of Beverly
Jane Sands, deceased; JASON
GOLDBERG, Co-Personal Representatives
of the Estate of Beverly Jane Sands,
deceased; and JOHN SANDS, Individually;

Plaintiffs,

vs.

INTEGRATED CARDIOLOGY GROUP,
L.L.C., BRYAN HEALTH, BRYAN
MEDICAL CENTER, ZACHARY M.
SINGSANK, D.O.; and ROBERT A. OAKES,
M.D.;

Defendants.

8:22CV72

ORDER

Before the Court is the parties' Joint Motion for Approval of Confidential Settlement (Filing No. 73), pursuant to the Nebraska Hospital-Medical Liability Act, [Neb. Rev. Stat. § 44-2801](#) et seq. The Full and Final Confidential Settlement Agreement and General Release ("the Settlement Agreement"). The Nebraska Excess Liability Fund ("the Fund") is a party to the proposed settlement agreement and joins this motion.

On August 17, 2021, Beverly J. Sands ("Ms. Sands") was admitted to the Bryan Medical Center for a transcatheter aortic valve ("TAVR") replacement ("TAVR Procedure"). During the TAVR Procedure, as health care providers were advancing the TAVR system with intraoperative fluoroscopy from the abdominal aorta into the thoracic aorta, the wire and catheter prolapsed outside the limits of the lateral wall of Ms. Sands's aorta, creating a hole and leading to bleeding and hypotension. Ms. Sands experienced cardiac

standstill and asystole. CPR and prolonged resuscitative efforts were made, but no spontaneous return of circulation happened and, unfortunately, Ms. Sands died.

On February 23, 2022, Kevin Sands and Jason Goldberg, each in their capacity as a Co-Personal Representative of the Estate of Beverly Jane Sands, deceased, for the exclusive benefit of themselves and the next of kin of Ms. Sands, deceased, and for the pre-death personal injuries sustained by Ms. Sands; and Plaintiff John Sands (“Mr. Sands” and together with the Co-Personal Representatives, “Plaintiffs”), individually, brought a wrongful death action alleging negligence by defendants. Also, Kevin Sands and Jason Goldberg each brought a survival claim in in his respective capacity as a Co-Personal Representative of Beverly Jane Sands, deceased. Following extensive discovery and successful mediation, the parties entered into the Settlement Agreement. The parties jointly filed the present motion and application on January 14, 2025, “pursuant to [Neb. Rev. Stat. § 44-2833](#)” and requested a hearing and approval of the Settlement Agreement.

Because the settlement in this case involves the Fund, [Neb. Rev. Stat. §§ 44-2833\(5\)](#) and (6) require the Court to “set the matter for trial,” review the relevant evidence, and “determine whether or not the settlement should be approved.” Accordingly, the Court held a hearing on February 3, 2025. At the hearing the Court reviewed the submissions from the parties, including the Settlement Agreement. Based on that review, the Court found the Settlement Agreement is fair and reasonable for all parties, complies with the Act, and should be approved. Therefore, IT IS ORDERED:

1. The parties’ Joint Motion for Approval of Confidential Settlement ([Filing No. 73](#)) is granted.

2. The Settlement Agreement ([Filing No. 78](#)) is approved.
3. The Fund is authorized and directed to pay Kevin Sands and Jason Goldberg, each in their capacity as Co-Personal Representative of the Estate of Beverly Jane sands, deceased, and John Sands, individually, its portion of the agreed upon settlement amount.
4. Within 30 days of this order, the parties shall file an appropriate stipulation dismissing the case.

Dated this 3rd day of February, 2025.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge